



**Order under Section 69
Residential Tenancies Act, 2006**

Citation: Woodbeck v Shanks, 2023 ONLTB 36493

Date: 2023-05-12

File Number: LTB-L-074876-22 (TEL-14195-20)

In the matter of: 27 Great Oak Street
Cardiff Ontario K0L1M0

Between: Mary Lou Woodbeck Landlord

And

Chris Shanks and Sheri Shanks Tenant

Your file has been moved to the Landlord and Tenant Board’s new case management system, the Tribunals Ontario Portal. Your new file number is LTB-L-074876-22.

Mary Lou Woodbeck (the 'Landlord') applied for an order to terminate the tenancy and evict Chris Shanks and Sheri Shanks (the 'Tenants') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused damage to the premises;
- the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex;
- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully caused undue damage to the premises;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex used the rental unit or the residential complex in a manner that is inconsistent with use as a residential premises and that has caused or can be expected to cause significant damage.

The Landlord also applied for an order requiring the Tenants to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on October 4, 2022 at 9am.

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As of 9:47am, the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Tenants were in possession of the rental unit on the date the application was filed.
2. The Tenants vacated the rental unit on March 5, 2021. Accordingly, the tenancy terminated on March 5, 2021.
3. As the tenancy has already been terminated, the remedies sought by the Landlord with respect to the N5, N6, N7, and N8 notices of termination are moot. As such, the only issue to be determined is with respect to the Landlord's application under Section 89 of the Residential Tenancies Act, 2006 (the 'Act').
4. Based on the uncontested evidence before me, I am satisfied that the Tenants caused undue damage to the rental unit by ripping out walls, building walls, ruining floors, railings, carpets and the roof.
5. As per section 207(3) of the Act, the Board's monetary jurisdiction is \$35,000.00. Therefore, no order shall be made with respect to reimbursement of the application filing fee.

It is ordered that:

1. The tenancy between the Landlord and the Tenants terminated on March 5, 2021.
2. The Tenants shall pay to the Landlord \$35,000.00, which represents the reasonable costs of repairing the damage and/or replacing the damaged property.
3. If the Tenants do not pay the Landlord the full amount owing on or before May 23, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 23, 2023 at 6.00% annually on the balance outstanding.

May 12, 2023

Date Issued

John Tzanis

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor,

Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

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In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on November 16, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

2023 ONL TB 36493 (CanLII)